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<b>CONTINUED PROSECUTION APPLICATION (CPA)</b> <b>REQUEST TRANSMITTAL (Small Entity)</b> <small>Submit an original, and a duplicate for fee processing.</small> <small>(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))</small>					Docket No. E-1902																																			
<input checked="" type="checkbox"/> <b>DUPLICATE</b> <small>(Check box if applicable)</small>																																								
<input checked="" type="checkbox"/> <b>Patent &amp; Trademark</b> <b>Named Inventor</b>  Arthur M. Tofani, Jr. et al.		<b>Examiner</b>  Jeffrey L. Gellner		<b>Group/Art Unit</b>  3643																																				
<b>Address to:</b>  <b>Commissioner for Patents</b> P.O. Box 1450 Alexandria, VA 22313-1450																																								
<b>JUL 28 2004</b> <b>RECEIVED</b>																																								
<b>OFFICE OF PETITIONS</b>																																								
This is a request for filing a <input checked="" type="checkbox"/> continuation or <input type="checkbox"/> divisional application under 37 CFR 1.53(d), (continued prosecution) of prior application number <u>09/689,459</u> filed on <u>10/12/2000</u> and entitled: <b>METHOD AND DEVICE FOR THE CONTROLLED DELIVERY OF HERBICIDES AND PESTICIDES</b>																																								
<p>1. <input checked="" type="checkbox"/> Enter the unentered amendment previously filed on <u>November 5, 2003</u> under 37 CFR 1.116 in the prior nonprovisional application.</p> <p>2. <input type="checkbox"/> A preliminary amendment is enclosed.</p> <p>3. <input type="checkbox"/> This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).</p> <p>a. <input type="checkbox"/> <b>DELETE</b> the following inventor(s) named in the prior nonprovisional application:</p> <p style="text-align: right;">07/26/2004 BABRAHA1 00000062 09689459 03 FC:2006 385.00 OP</p> <p>b. <input type="checkbox"/> The inventor(s) to be deleted are set forth on a separate sheet attached hereto.</p> <p>4. <input type="checkbox"/> A new power of attorney or authorization of agent is enclosed.</p> <p>5. <input checked="" type="checkbox"/> Small Entity Status:</p> <p>a. <input type="checkbox"/> A small entity statement is enclosed.</p> <p>b. <input checked="" type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.</p> <p>6. <input checked="" type="checkbox"/> The fee for this application is calculated as follows:</p> <table border="1"> <thead> <tr> <th colspan="5"><b>CLAIMS AS FILED</b></th> </tr> <tr> <th>For</th> <th>#Filed</th> <th>#Allowed</th> <th>#Extra</th> <th>Rate</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>7</td> <td>- 20 =</td> <td>0</td> <td>x \$9.00</td> </tr> <tr> <td>Indep. Claims</td> <td>1</td> <td>- 3 =</td> <td>0</td> <td>x \$43.00</td> </tr> <tr> <td colspan="5">Multiple Dependent Claims (check if applicable) <input type="checkbox"/></td> </tr> <tr> <td colspan="5" style="text-align: right;"><b>BASIC FEE</b></td> </tr> <tr> <td colspan="5" style="text-align: right;">TOTAL FILING FEE</td> </tr> </tbody> </table>						<b>CLAIMS AS FILED</b>					For	#Filed	#Allowed	#Extra	Rate	Total Claims	7	- 20 =	0	x \$9.00	Indep. Claims	1	- 3 =	0	x \$43.00	Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					<b>BASIC FEE</b>					TOTAL FILING FEE				
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**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7.  The Director is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 05-0208

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \$385.00 is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILED QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b); or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 1.22 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to copies of or information concerning the prior application may be given similar access to copies of or similar information concerning the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

Dated: July 21, 2004

  
\_\_\_\_\_  
Signature

**Frank J. Bonini, Jr.**

*Typed or printed name*

**35,452**

*Registration Number (if applicable)*

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record

cc:



In re Application

HUR M. TOFANI, Jr., et al.

Serial No. 09/689,459

Filed: October 12, 2000

For: METHOD AND DEVICE FOR THE CONTROLLED  
DELIVERY METHOD OF HERBICIDES AND PESTICIDES

**CERTIFICATE OF MAILING BY  
EXPRESS MAIL UNDER 37 CFR SECTION 1.10**

I hereby certify that these papers and fee are being deposited with the United States Postal Service "Express Mail Post Office Addressee" service under 37 CFR Section 1.10 on the date indicated hereon, and is addressed to the Office of Petitions, Mail Stop Petition Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Number of Express Mailing Label: ER 282703216 US

Date of Deposit with Postal Service: July 21, 2004

  
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Frank J. Bonini, Jr.  
Reg. No. 35,452